

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE THE MATTER OF THE
COMPLAINT OF OCEAN ANGEL V,
LLC

Case No. [5:19-cv-02794-EJD](#)

**ORDER DIRECTING PLAINTIFF-IN-
LIMITATION TO POST BOND**

On May 22, 2019, Plaintiff-in-Limitation Ocean Angel V, LLC (“Ocean Angel”) filed this action in admiralty for exoneration from or limitation of liability. Dkt. No. 1. At that time, Ocean Angel filed an ad interim stipulation of value for \$50,000. Dkt. No. 3-3. On March 10, 2021, the Court granted Claimant Robin DeLeon-Piedra’s motion to increase the limitation fund to \$1,105,000.00. Dkt. No. 36. De-Leon Piedra moves to compliance with the Court’s March 10, 2021 order. Dkt. No. 39.

46 U.S.C. § 30511 of the Limitation of Liability Act provides that a vessel owner who has brought a civil action for limitation of liability in district court shall either (at the owner’s option):

(1) deposit with the court, for the benefit of claimants —

(A) an amount equal to the value of the owner’s interest in the vessel and pending freight, or approved security; and

(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter; or

(2) transfer to a trustee appointed by the court, for the benefit of claimants —

(A) the owner’s interest in the vessel and pending freight;
and

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(B) an amount, or approved security, that the court may fix from time to time as necessary to carry out this chapter.

Id. § 30511(b). Consistent with § 30511, Supplemental Admiralty Rule F of the Federal Rules of Civil Procedure provides that:

[t]he owner (a) *shall* deposit with the court, for the benefit of claimants, a sum equal to the amount or value of the owner's interest in the vessel and pending freight, or approved security therefor, and in addition such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of the statutes as amended The plaintiff shall also give security for costs and, if the plaintiff elects to give security, for interest at the rate of 6 percent per annum from the date of the security.

Fed. R. Civ. P. Suppl. AMC Rule F(1) (emphasis added). To date, Ocean Angel has not deposited any security with the Court but instead has only filed an updated ad interim stipulation of value for \$1,055,000, which it contends moots DeLeon-Piedra's motion to compel. Dkt. Nos. 40, 41.

DeLeon-Piedra asserts that her motion to compel is not moot, as Ocean Angel has not deposited any security with the Court or posted a bond. Dkt. No. 47.

Ocean Angel's updated ad interim stipulation of value states that it agrees "[t]o abide by all orders of the Court" and "[u]pon demand, to cause to be filed a bond in form and sufficiency of surety satisfactory to this Court" Dkt. No. 40 ¶ 2. The Court construes DeLeon-Piedra's motion and statement concerning that motion as such a demand. Accordingly, the Court **ORDERS** Ocean Angel to deposit with the Clerk of the Court a bond in the amount of \$1,105,000.00¹ by **June 21, 2021**.

IT IS SO ORDERED.

Dated: June 7, 2021



EDWARD J. DAVILA
United States District Judge

¹ The Court's March 10, 2021 order increased the preexisting \$50,000 limitation fund by \$1,055,000 to a total fund amount of \$1,105,000. Ocean Angel's updated ad interim stipulation incorrectly lists \$1,055,000 as the total amount. *Compare* Dkt. No. 36 at 9 *with* Dkt. No. 40 at 1.